

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

QIANG DU,

Plaintiff,

v.

BSH.COM, an Internet domain name, and  
JOHN DOE,

Defendants.

No. 1:17-cv-00698-LMB-MSN

**MEMORANDUM IN SUPPORT OF JOINT MOTION TO AMEND JUDGMENT**

Plaintiff Qiang Du and Defendant bsh.com, by their respective counsel and pursuant to Fed. R. Civ. P. 59(e), hereby submit this memorandum in support of their joint motion to amend the Judgment entered on January 8, 2018 (ECF No. 40) consistent with the Consent Judgment and Dismissal submitted by the parties on November 30, 2017 and attached hereto as Exhibit A. In accordance with this Court's Electronic Case Filing Policies and Procedures, Plaintiff's counsel transmitted Exhibit A on paper to the clerk's office on November 30, 2017, and Plaintiff's counsel confirmed that Exhibit A was received by the clerk's office. Exhibit A reflects the parties' agreement that Counts I, IV, V, and VI of Plaintiff's Verified Complaint against Defendants should be dismissed with prejudice.

Because of a scrivener's error in a separate proposed Order submitted to the Court (discussing dismissal of those Counts without prejudice), the parties request that the Court amend the Judgment consistent with the Consent Judgment and Dismissal attached at Exhibit A, conforming the Court's Order with the agreement between the parties.

Rule 59(e) permits the filing of a motion to alter or amend a judgment "no later than 28

days after the entry of the judgment.” Accordingly, the instant Motion is timely.

For the reasons set forth herein, the parties request that this Court grant this Joint Motion to Amend, and grant such further relief as this Court deems proper.

Dated: January 18, 2018      By: /s/ Attison L. Barnes, III /s/  
Attison L. Barnes, III (VA Bar No. 30458)  
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Dated: January 18, 2018      By: /s/ Yeon Me Kim /s/  
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*Attorney for BSH.com and  
Liu Xiaosheng*

**CERTIFICATE OF SERVICE**

I, Attison L. Barnes, III, hereby certify that on January 18, 2018, I electronically filed the foregoing by using the CM/ECF system, which shall cause a copy to be served upon counsel of record for bsh.com.

/s/ Attison L. Barnes, III /s/

Attison L. Barnes, III, Esq.

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*Counsel for Plaintiff Qiang Du*

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

QIANG DU,

Plaintiff,

v.

BSH.COM, an Internet domain name, and  
JOHN DOE,

Defendants.

No. 1:17-cv-00698-LMB-MSN

**CONSENT JUDGMENT AND DISMISSAL**

On June 20, 2017, Plaintiff Qiang Du ("Plaintiff") filed his Verified Complaint [ECF No. 1] against defendants BSH.com and John Doe asserting claims under the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), the federal *in rem* statute, 28 U.S.C. § 1655, the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, the Electronic Communications Privacy Act, 18 U.S.C. §§ 2701, 2707, and related claims arising from the unauthorized access to Plaintiff's secured computer account and the unauthorized transfer of the BSH.com domain name away from Plaintiff. Plaintiff filed a First Amended Verified Complaint on August 24, 2017 [ECF No. 14], in which he added a claim pursuant to 28 U.S.C. § 1655.

On August 2, 2017, counsel entered an appearance on behalf of BSH.com and Liu Xiaosheng, the current registrant of the BSH.com domain name [ECF No. 8]. On September 7, 2017, Defendants filed an Amended Motion to Dismiss [ECF No. 22], which the Court denied on October 6, 2017.

Plaintiff and Mr. Xiaosheng, on behalf of himself and the res Defendant BSH.com, have now agreed to the entry of this final judgment and permanent injunction ("Consent Judgment")

to facilitate the return of the domain name to Plaintiff.

**ACCORDINGLY, IT IS HEREBY ORDERED AND ADJUDGED:**

1. Plaintiff is the rightful owner of the domain name BSH.com.
2. The BSH.com domain name is property situated in this District due to the presence of the top-level domain registry operator for .com domain names, VeriSign, Inc., within this District.
3. Judgment is hereby entered in favor of Plaintiff on Counts II and III of the First Amended Verified Complaint under Quiet Title and pursuant to 28 U.S.C. § 1655, any cloud upon Plaintiff's title to the BSH.com domain name is hereby removed, and Plaintiff shall be deemed the exclusive owner of all right, title, and interest in and to the BSH.com domain name.
4. Each party shall bear their own costs and attorneys' fees.
5. The res Defendant and current registrant, Mr. Xiaosheng, have waived all right to appeal this Consent Judgment, to have it vacated or set aside, to seek or obtain a new trial thereon, or otherwise to attack in any way, directly or collaterally, its validity or enforceability.

**IT IS FURTHER ORDERED AND ADJUDGED**

6. VeriSign, Inc., which is located in this District, is DIRECTED to change the registrar of record for the BSH.com domain name to Plaintiff's registrar of choice, Uniregistry Corp.
7. Uniregistry Corp. is then DIRECTED to take all necessary steps to have Plaintiff listed as the registrant for the BSH.com domain name.

**IT IS FURTHER ORDERED AND ADJUDGED**

8. Counts I, IV, V, and VI of Plaintiff's Verified Complaint against Defendants are dismissed with prejudice.

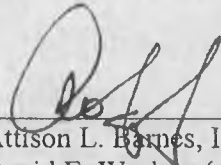
9. This Court shall retain jurisdiction for the purpose of making any further orders necessary or proper for the construction or modification of this Consent Judgment, the enforcement thereof, or the punishment of any violations thereof.

10. The prevailing party in any proceeding to enforce the terms of this Consent Judgment shall be entitled to an award of its attorneys' fees and costs.

The undersigned hereby stipulate to the above facts and conclusions and consent to the entry of this Consent Judgment, which may be signed in counterparts. Signatures can be obtained and exchanged by scanned copy and/or facsimile.

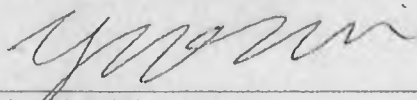
**IT IS SO STIPULATED AND ORDERED.**

DATED: 11/29/17

By:   
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DATED: 11/28/2017

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*Attorney for BSH.com and*  
*Liu Xiaosheng*

**PURSUANT TO STIPULATION AND RULE 54, FEDERAL RULES OF CIVIL  
PROCEDURE, IT IS SO ORDERED AND ADJUDGED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Leonie M. Brinkema  
United States District Judge